

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HARMONY HAUS WESTLAKE, §
L.L.C., LING ZHOU, AND §
FENGLIN DU §

Plaintiffs and Counter-Defendant, §

v. §

PARKSTONE PROPERTY §
OWNERS ASSOCIATION, INC. §

Defendant and Counter-Plaintiff. §

CIVIL ACTION NO. 1:20-CV-486-XR

PARKSTONE'S TESTIFYING EXPERT DESIGNATIONS

Pursuant to the Court's Scheduling Order, the Parkstone Property Owners Association, Inc. (Defendant and Counter-Plaintiff, hereafter, Parkstone), respectfully files the following testifying expert designations:

A. ATTORNEYS' FEES

Eric J. Hansum
Niemann & Heyer, LLP
1122 Colorado Street
Austin, Texas 78701
Direct Telephone: (512) 481-9292
Fax: (512) 474-0717
erichansum@niemannlaw.com

B. OTHER NON-RETAINED EXPERTS

Mitch Krauss (VP of Community Management) and/or
Alice English (Association Manager)
Goodwin & Company
11149 Research Blvd #100
Austin, TX 78759
Contact numbers: (512) 502-7541, (512) 502-7518, and (512) 852-7905
mitch.krauss@goodwintx.com and alice.english@goodwintx.com

Goodwin & Company (**Goodwin**) is the property management company for Parkstone. Mr. Krauss and/or Ms. English, employees of Goodwin, are not providing expert reports because they are not retained or specifically employed experts and do not regularly give expert testimony.

Mr. Krauss and/or Ms. English are expected to testify that the fining structure and escalating fines adopted by Parkstone in early 2020 were necessary because of an increase in the number of violations of the street parking restrictions in the Declarations governing the Parkstone neighborhood, that this increase included many residents other than the residents of Harmony Haus, that the increase began after Harmony Haus residents started consistently violating the parking restrictions, and that notices of violations and fines were even-handedly issued to all violators, whether or not associated with Harmony Haus. They will also testify that an escalating fine structure like that adopted by Parkstone is a common and effective means of dealing with increased violations of private deed restrictions generally. They will also testify that the Board of Parkstone never evidenced any intent to discriminate against or retaliate against Harmony Haus in the creation or application of the fining structure. Their testimony will be based on their experience managing a large number of homeowners' associations and/or their specific experience with Parkstone and Harmony Haus as well as the underlying Declaration and the policy itself.

Parkstone reserves the right to call any experts designated by Plaintiffs and use their records when helpful. Parkstone also reserves the right to

supplement this designation of testifying expert witnesses in accordance with the *Federal Rules of Civil Procedure*.

Respectfully submitted,

NIEMANN & HEYER, LLP
Westgate Building, Suite 313
1122 Colorado Street
Austin, Texas 78701
Telephone: (512) 474-6901
Fax: (512) 474-0717

/s/ Eric J. Hansum
Eric J. Hansum, Of Counsel
Texas State Bar No.: 24027225
erichansum@niemannlaw.com

**ATTORNEYS FOR THE
PARKSTONE PROPERTY
OWNERS ASSOCIATION, INC.**

CERTIFICATE OF SERVICE

I certify that on October 5, 2020, I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Eric J. Hansum
Eric J. Hansum